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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,775	03/15/2002	Jean-Christophe Jacques Kling	3206.2.1 NP	4985
7590 10/16/2006				
Starkweather & Associates 9035 South 1300 East #200 Sandy, UT 84094				
			EXAMINER HORTON, YVONNE MICHELE	
			ART UNIT 3635	PAPER NUMBER

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,775

Applicant(s)

KLING, JEAN-CHRISTOPHE
JACQUES

Examiner

Yvonne M. Horton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

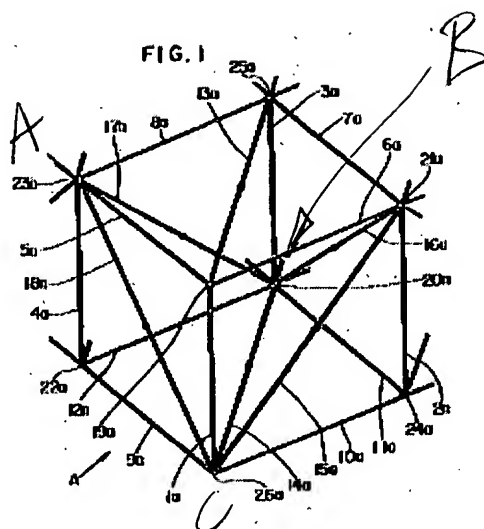
Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 6, it is not clear how the extension, is detailed in claim 1 as being a "complete strut", is now a polygon structure. Clarification is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5,7-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,819,399 to ONODA. ONODA discloses the use of an architectural system including a triangular base (ABC) consisting of a first (17a), second (14a) and third (18a) strut aligned along first (AB), second (BC), and third (CA) axis; such that the first and third struts (17a,18a) form a first acute base angle (CAB), the first and second (17a,14a) struts form a second acute base angle (ABC), and the second and third struts (14a,18a) form a third acute base angle (BCA), see below; wherein the struts

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(17a, 14a, 18a) each consist of at least two rigid pieces in that they can be folded (column 8, lines 4-8 and 53-54) and movable apart to form a strut elongation. The structure further includes a first node (A) engaging the first (17a) and third (18a) struts, a second node (B) engaging the first (17a) and second (14a) struts, a third node (C) engaging the second (14a) and third (18a) struts forming the base triangle (ABC) and base plane; and an extension (15a) consisting of a fourth strut aligned along a fourth axis (CD) that does not lie in the base plane of the triangular base (ABC), see the marked attachment. ONODA discloses the basic claimed structure except for explicitly detailing the exact dimensions of the angles forming the base triangle or the angle of the fourth strut. Although ONODA does not detail explicit angles that form the base triangle, it would have been obvious to one having ordinary skill in the art at the time the art was made to select an angle dimension suitable for the use intended as an obvious matter of design choice. For instance, larger width structures a larger angle dimension would be required; however, when a smaller size structure is being formed, a smaller angle dimension would be required. Also, the strength of the member forming the strut

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or how the structure is intended to be used will determine the size of the angles that form the triangular base. In reference to claims 2-4, the fourth axis (CD) forms an angle (DBA) with the first axis; however, selection of the angle between the first and fourth axis or the angle of the fourth axis is also a matter of design choice, see also the marked attachment. Further, the applicant discloses a wide range of angle dimensions suitable for selection of the angle between the first and fourth axis, thus the applicant has shown no criticality for the selection of any one desired angle dimension.

Regarding claims 5 and 11, ONODA also does not disclose a strut diameter or node radius; however, this too is a matter of design choice dependent upon the use intended.

Regarding claims 7-10 and 14-24, the values for "j"; "n"; "m"; "t"; "q"; or "k"; are also a matter of design choice dependent upon the use intended. In reference to claim 12, the second node (B) includes first and second couplings (23a,20a) respectively engaging the first (17a) and second (14a) struts such that the first coupling (23a) is capable of retaining the first (17a) strut under tension along the axis (AB), and the second (20a) coupling is capable of retaining the second (14a) strut under tension along the second axis (BC). Regarding claim 13, the struts (17a,14a,18a) are non-metallic struts.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

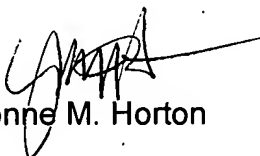
Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvonne M. Horton